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10 Attorneys for Defendants, City of Yuma

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12
13 **UNITED STATES DISTRICT COURT**
14 **DISTRICT OF ARIZONA**
15

16 YVONNE CUMMINS

17 Plaintiff,

NO. CV 080440 PHX SRB

18 v.

ANSWER

19 CITY OF YUMA, in the COUNTY OF YUMA,
20 ARIZONA, the CITY COUNCIL, ITS
21 ADMINISTRATOR, HUMAN RESOURCES
22 DEPT. and ITS DIRECTOR, and the MAYOR,
23 all in their individual as well as official
24 capacities

(Assigned to the Honorable Judge
Bolton)

25 Defendants.
26

27 Defendant City of Yuma ("City"), by and through counsel undersigned,
28 answers as follows:

- 29 1. Defendant alleges that it is without knowledge or information sufficient to
30 form a belief as to the truth of the allegation of Paragraph 1 of the
31 Complaint, and therefore denies same.
- 32 2. In responding to Paragraph 2, defendant admits that it is a municipal
33 corporation, a political subdivision of the State of Arizona, located within
34 Yuma County, Arizona.

3. Defendant denies the allegation that Plaintiff's rights have been violated.
4. Defendant alleges that it is without knowledge or information sufficient to form a belief as to the truth of the allegation of Paragraph 4 of the Complaint, and therefore denies same.
5. Defendant admits that its website contained the cited language but denies the remaining allegations of Paragraph 5.
6. Defendant alleges that it is without knowledge or information sufficient to form a belief as to the truth of the allegation of Paragraph 6 of the Complaint, and therefore denies same.
7. Defendant denies the allegations of Paragraph 7.
8. Defendant admits the allegations of Paragraph 8.
9. Defendant denies the allegations of Paragraph 9.

General Denial

The City of Yuma denies any allegation in Plaintiff's Complaint that is not specifically admitted in this Answer.

Affirmative Defenses

As provided under Rule 8(c) of the Federal Rules of Civil Procedure, the City of Yuma alleges the following affirmative defenses:

1. Defendant alleges, as an affirmative defense, lack of standing.
2. Defendant denies that the plaintiff has sustained legally cognizable damages, as alleged or at all.
3. Plaintiff failed to minimize or mitigate her damages.
4. As a separate affirmative defense, Plaintiff fails to state a claim upon which relief can be granted.
5. As a separate affirmative defense, insufficient service of process.

1 WHEREFORE, the City of Yuma asks this Court to enter Judgment in favor of the
2 City, that Plaintiff take nothing by this Complaint and the same be dismissed with
3 prejudice and the City awarded its attorney fees and costs.

4 RESPECTFULLY SUBMITTED this 14th day of July, 2008.

6
7 BY 

8 Shawn Lueras
9 One City Plaza
10 Yuma, Arizona 85364
11 Attorneys for Defendant, City of Yuma;
12 Steve Moore

13 ORIGINAL filed and
14 COPY of the foregoing mailed
15 this 15th day of July, 2008 , to:

16 Yvonne Cummins
17 5309 Riverside Drive
18 Yuma, Arizona 85364
19 Plaintiff Pro Se

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21 Kendra O. Lewis
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